

IN THE HIGH COURT OF MADHYA PRADESH***AT GWALIOR******BEFORE******HON'BLE SHRI JUSTICE ASHISH SHROTI*****WRIT PETITION No. 21349 of 2023*****DR SMT RENU S NAIR****Versus****THE STATE OF MADHYA PRADESH AND OTHERS*****Appearance:**

Mr. D.P. Singh - Advocate for the petitioner.

Ms. Monika Mishra – Panel Lawyer for the State.

ORDER**Reserved on : 08.10.2025****Delivered on : 29.10.2025**

ORDER

The petitioner has invoked Article 226 of the Constitution of India challenging the order, dated 13.01.2014, (Annexure P/2) whereby the date for grant of selection grade pay and consequently 4th Pay Band was changed unilaterally. She has also challenged the order, dated 07.08.2023, (Annexure P/1) whereby her representation, filed pursuant to order of this Court, has been rejected. The petitioner has also prayed for consequential benefits.

2. The facts necessary for decision of this case are that the petitioner acquired qualification of M.Sc. in the year 1985 while she did M.Phil. in 1986 and Ph.D. in 1992. She was appointed as Assistant Professor

(Chemistry) on 30.09.1993 and was working as such in Govt. Girl's Post Graduate College, Morar, Gwalior. It is thus clear that the petitioner was possessed of Ph.D. degree prior to her inception in service.

3. The service of the petitioner is governed by rules namely M.P. Education Service (Collegiate Branch) Recruitment Rules, 1990 (hereinafter referred as "Rules of 1990"). Note appended to Schedule IV of these rules provides for criteria for grant of senior grade pay scale and selection grade pay scale to Assistant Professors. Besides other conditions, an Assistant Professor, possessed of Ph.D. degree, is entitled to senior grade pay scale of 3000-5000 on completion five years of service. Further, such an Assistant Professor who has completed 8 years of service in senior grade pay scale, shall be eligible for grant of selection grade pay scale of 3700-5700. The petitioner thus became entitled for grant of senior grade pay scale in September' 1998 when she completed five years of service.

4. The University Grants Commission (in short 'UGC') issued a notification, dated 24.12.1998 (Annexure P/3) namely UGC Notification on Revision of Pay Scales, Minimum Qualifications for Appointment of Teachers in Universities & Colleges and Other Measures for the Maintenance of Standards, 1998, (hereinafter referred as "UGC Regulations, 1998"). Clause 7.0.0 provides for Career Advancement and for purposes of this case, Clause 7.1.1 is relevant which provides as under:

"7.1.1 Minimum length of service for eligibility to move into the grade of Lecturer (Senior Scale) would be four years for those with Ph.D., five years for those with M.Phil, and six years for others at the level of Lecturer, and for eligibility to move into the Grade of Lecturer (Selection Grade Reader, the minimum length of service as Lecturer (Senior Scale) shall be uniformly five years."

5. Thus, the criterion for grant of senior/selection pay scale was reduced to 4/5 respectively. In other words, an Assistant Professor holding Ph.D. is eligible for senior scale on completion of four years of service and further for selection grade pay scale on completion of further five years in senior grade. The Government of Madhya Pradesh through its Higher Education Department, issued order, dated 11.10.1999 (Annexure P/4) in consonance with UGC Regulation, 1998. This order prescribed following pay scale for the post of Assistant Professor:

No.	Post	Current Pay Scale	Revised Pay Scale
1	Assistant Professor	2200-4000	8000-12500
2	Assistant Professor (Senior Scale)	3000-5000	10000-15200
3	Assistant Professor (Senior Scale)	3700-5700	12000-1830

6. Clause 8 of this order prescribes the criterion *viz.* length of service for grant of senior/selection grade pay scale as 4/5 years respectively.

7. Before coming into force of UGC Regulations, 1998, the petitioner completed five years of service and thus became entitled for senior grade scale as she was possessed of Ph.D. degree. Screening Committee considered her case alongwith others for grant of senior grade scale of 3000-5000 and pursuant to its recommendations, the senior grade scale was granted to her with effect from 08.10.1998 vide order, dated 17.02.2000 (Annexure P/6). The petitioner's name finds place at serial no.40 of this order.

8. On completion of further five years' service, the petitioner became eligible for selection grade scale. However, it appears that while considering her for this benefit, her total length of service as per UGC Regulations, 1998

was taken into account. The petitioner was granted benefit of selection grade scale of 3700-5700 (revised pay scale of 12000-18300) with effect from 25.10.2002 vide order, dated 02.07.2003. The order in this regard is not placed on record by either of the parties but the fact is not disputed by the respondents.

9. The recommendations of Sixth Pay Commission were then implemented by Govt. of Madhya Pradesh with effect from 01.01.2006. Further, the UGC vide notification, dated 30.06.2010, (Annexure P/8) notified “UGC (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in higher Education) Regulations, 2010”. Clause 3.1 & 3.2 of these Regulations are relevant are thus reproduced hereunder:

“3.1 Incumbent the current Readers and Lecturers (Selection Grade) who have completed three years in the current pay scale of Rs.12,000-18,300 on 1st January, 2006 shall be placed in Pay Band IV of Rs.37,400 - Rs.67,000 with AGP of Rs.9,000 and shall be re-designated as Associate Professor.

3.2 Incumbent Readers and Lecturers (Selection Grade) who had not completed three years in the pay scale of Rs.2,000 - Rs.18,300 on or after 1 January, 2006 shall be placed at the appropriate stage in the Pay Band of Rs.15,600 - Rs.39,100 with AGP of Rs.8,000 till they complete three years of service in the grade of Lecturer (Selection Grade) / Reader, and thereafter shall be placed in the higher Pay band IV of Rs.37,400 – Rs.67,000 and accordingly re-designated as Associate Professor.”

10. The consequential order in this regard was passed by State Govt. through its Higher Education Department on 16.10.2010 (Annexure P/9) and on 14.09.2012 (Annexure P/10).

11. Thus, since, w.e.f. 25.10.2002, the petitioner had completed three years

in selection grade scale before 01.01.2006, she became eligible for placement in Pay Band IV of Rs.37,400- Rs.67,000 with AGP of Rs.9000 w.e.f. 01.01.2006. Accordingly, the petitioner was placed in the Pay Band IV of Rs.37,400- Rs.67,000 with AGP of Rs.9000 with effect from 01.01.2006 vide order, dated 12.04.2012, (Annexure P/11).

12. It appears that the relaxation in length of service granted vide order, dated 11.10.1999 was withdrawn by the Govt. vide order, dated 29.01.2008. Accordingly, the date for grant of senior/selection grade pay scale and consequently IV Pay Band was also revised vide order, dated 13.01.2014, (Annexure P/2). The date for grant of selection grade pay scale was changed from 25.10.2002 to 27.07.2003. The petitioner challenged the said order before this Court in W.P. No.3387/2014. One Ashok Kumar Shukla also filed W.P. No.608/2014 challenging the similar order passed against him. It further appears that during pendency of petitions, the order, dated 29.01.2008, was withdrawn as it was not found in consonance with UGC Regulations. Accordingly, this Court disposed of petition filed by Ashok Kumar Shukla vide order, dated 12.10.2022, (Annexure P/13) with the following directions:

“1. The petitioner is directed to make a representation along with the certified copy of this order.

2. Within one month from the date of receipt of certified copy of this order, the respondents shall reconsider the case of the petitioner in the light of the circular dated 13.12.2019 by which the circular dated 29.1.2008 has been withdrawn i.e. the basis on which the date for grant of 4th pay band in the 6th pay scale was changed.

3. The respondents shall take a decision as to whether grant of 4th pay band in the 6th pay scale w.e.f. 1.1.2006 to the petitioner was in accordance with the circular dated 11.10.1999 or not and if it is found that the original date for grant of 4th pay band in the

6th pay scale was in accordance with the circular dated 11.10.1999 then it shall be restored immediately.”

13. The petition filed by petitioner was also accordingly disposed off vide order, dated 12.10.2022, (Annexure P/14) in line with directions issued in the case of Ashok Kumar Shukla. The petitioner accordingly made a detailed representation to respondent State Govt. which has been rejected vide impugned order, dated 07.08.2023, (Annexure P/1). Challenging these orders, the present writ petition has been filed by petitioner.

14. The learned counsel for writ petitioner submitted that once the order, dated 29.01.2008 which was the foundation for effecting the change of date, was withdrawn, there is no occasion with the respondents to still change the date. It is his submission that no reason has been assigned for changing the date in question in PB-4. The learned counsel also submitted that the petitioner satisfy the only requirement for grant of PB-4 as provided in clause 3.1 of notification, dated 30.06.2010 i.e. completion of three years in selection grade pay and, therefore, she was rightly granted the said benefit. He also submitted that, in the impugned orders, the respondents have nowhere considered the notification, dated 13.12.2019, which withdrew earlier circular, dated 28.01.2008 which was the basis of change of date in question. It is his submission that no opportunity was granted to the petitioner before passing impugned orders. He also submitted that the similar benefits has been restored in favour of other incumbents namely Dr. Pratima Jain as is evident from order, dated 10.02.2020, (Annexure P/16) and, therefore, the action of respondents is discriminatory.

15. On the other hand, respondents have supported the impugned action by filing reply. However, except repeating the facts stated in the writ petition, no justification is given, even for the name sake, to justify the impugned action.

The return filed is thus sketchy and is lacking in justification to the impugned action. The learned respondents counsel tried to justify the impugned action.

16. Considered the arguments and perused the records.

17. It is not in dispute between the parties that the petitioner was appointed as Assistant Professor (Chemistry) on 30.09.1993. She was already possessed of Ph.D. Degree when she entered into the service. As per Rules of 1990, she became entitled to senior grade pay scale on completion of five years of service which was duly granted to her w.e.f. 08.10.1998 vide order, dated 17.02.2000 (Annexure P/6).

18. The petitioner then completed next five years in October' 2003 and became eligible for grant of selection grade pay scale from this date. However, the benefit of selection grade pay scale was granted to her w.e.f. 25.10.2002, presumably, considering total length of her service as per UGC Regulations, 1998. Resultantly, since the petitioner had completed three years in selection grade pay scale as on 01.01.2006, she was granted PB-4 with GP 9000/- with effect from 01.01.2006. This was done in accordance with UGC Regulations, 2010.

19. It is thus seen that as per UGC Regulations, 1998 and order, dated 11.10.1999 the petitioner was entitled to selection grade pay after completion of five years in senior grade pay scale (granted w.e.f. 08.10.1998) which she completed in October' 2003. However, this benefit was granted to her w.e.f. 25.10.2002 i.e. a year before her entitlement.

20. Further, as per UGC Regulations, 2010, if a candidate has completed three years in selection grade pay as on 01.01.2006, the benefit of PB-4 was to be granted to him w.e.f. 01.01.2006 else the said benefit was payable from

the date incumbent completes three years in selection grade pay. Since, the petitioner was eligible for selection grade pay with effect from October' 2003, she completed her three years in selection grade pay in October' 2006, but she was granted the benefit of PB-4 w.e.f. 01.01.2006.

21. Thus, by way of impugned order, this mistake has been corrected by changing the date for grant of selection grade pay scale w.e.f. 27.07.2003 (instead of 25.10.2002) and consequently the date for grant of PB-4 has been extended to 27.07.2006 (instead of 01.01.2006). The action of the respondents thus appears to be in consonance with the UGC Regulations and the orders passed by State Govt.

22. The anomaly appears to have crept in while granting benefit of selection grade pay to the petitioner. It appears that while granting her said benefit, her total length of service of 9 years was counted from the date of her appointment as per UGC Regulations, 1998. However, since the petitioner became eligible for grant senior grade pay before coming into force of UGC Regulations, 1998 (which came into force vide notification, dated 24.12.1998), she was entitled to get benefit of senior grade as per earlier guidelines which was five years from the date of appointment as provided in Schedule IV of Rules of 1990. Thus, for purposes of grant of selection grade, total 10 years of service was required to be taken into account whereas the petitioner was granted this benefit on completion of 9 years of service.

23. The petitioner claims parity with Dr. Pratima Jain who was granted benefit of selection grade pay scale with effect from 20.10.2002 and 01.01.2006 as is evident from order, dated 10.02.2020, (Annexure P/16). However, there is nothing on record to show her initial date of appointment

and the date of grant of senior grade pay scale. Even otherwise, since, the change of date of selection grade pay scale and PB-4 has been found to be justified in petitioner's case, even if Dr. Jain is erroneously granted the benefit, the petitioner cannot get negative parity.

24. Moreso, the petitioner's earlier writ petition was disposed of in line with the directions issued by this Court in the case of one Dr. Ashok Kumar Shukla. It is noted that in the case of Dr. Shukla also, similar impugned order has been passed which has been challenged in separate writ petition being W.P. No.28744 of 2024. Thus, the allegation of discrimination made by petitioner is not made out. Infact, she has been treated alike with others.

25. In view of the discussion made above, the fixation of date for grant of selection grade pay and PB-4 to the petitioner is found to be correctly done by respondents. The impugned orders therefore, do not warrant any interference by this Court. The same are accordingly upheld. The petition is **dismissed.**

(ASHISH SHROTI)

JUDGE

bj/-